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August 8, 2022

Via ECF

The Honorable James M. Wicks, U.S.M.J.
Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, NY 11722

Re: Rodriguez v. Williams-Sonoma, Inc., Case No. 2:22-cv-02436-GRB-JMW

Dear Judge Wicks:

I represent Plaintiff in the above action. I write pursuant to Rule 1.B of Your Honor's Individual Practice Rules to provide the Court with an update concerning Defendant's currently-pending motion to stay discovery.

On August 5, 2022, Judge Brown denied Defendant's motion to dismiss based on the parties' pre-motion letters for three of the four arguments advanced by Defendant, leaving open only the "remaining limited issue" of whether NYLL § 191 contains a private right of action. *See* August 5, 2022 Minute Entry (ECF No. 23). The parties will now submit briefing solely on this last issue.

As noted in Plaintiff's opposition to the motion to stay, of the nine federal courts within this Circuit to address this last remaining issue, all nine have concluded there is a private right of action. *See, e.g.*, Opposition to Motion to Stay, § A.2 (ECF No. 21).

Based on Judge Brown's ruling, Defendant's chances of success in obtaining dismissal of this action are very remote and discovery should be allowed to proceed.

Respectfully,

A handwritten signature in blue ink that reads "Y. Kopel". It is written in a cursive style with some variations in letter height and thickness.

cc: All counsel of record via ECF

Yitzchak Kopel